IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.1754 OF 1997

IN

APPEAL NO.978 OF 1991

IN

SUIT NO.2643 OF 1987

...

Moinddin Khan usman Khan
and ors. ...Appellants

v/s.

Mubarakunnisa w/o Mohd.Naseem ...Respondent

...

Mr.A.N.Maniyar for the Appellants.

Mr.P.R.Gyani i/n N.R.Gandhi for Respondents Nos. 1 to 5.

...

CORAM: D.K.DESHMUKH &
J.H.BHATIA, JJ.
DATED: 5TH SEPTEMBER, 2007

P.C.:

By consent of parties, motion is disposed of in following terms:

(i) It is common ground between the parties that one of the issues framed by the learned single Judge reads thus:

"Whether the Defendants are liable to render accounts to the Plaintiffs in respect of their dealings with the assets and properties mentioned in Exh.A to the plaint and if so to what extent?

(ii) The parties are agreed that in case the trial court while considering this issue comes to the conclusion either on the application made by the parties or otherwise that for deciding this issue or

after deciding this issue, grant of inspection of accounts filed by the Defendants pursuant to the order passed in this appeal by the Division Bench is necessary, the trial court will be free to make that order.

(iii) Notice of Motion disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)